

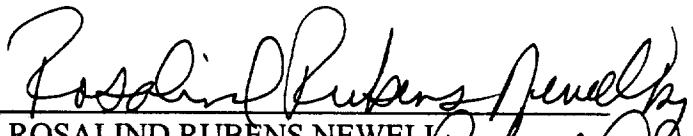
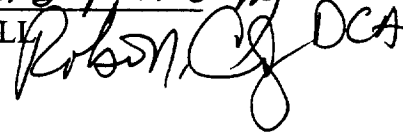
Entered - 09-04-01- sb  
CL 01L0552- ALEXIS HOLMES

01- *R*-1767

CLAIM OF: **JOHN HOLMES**  
3000 Continental Colony E-78  
Atlanta, Georgia 30331

For vehicular damages alleged to have been sustained as a result of driving over an unsecured construction plate in the roadway on September 10, 2001 at Auburn Avenue and Courtland Avenue.

THIS ADVERSE REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY  DCA

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0552

Date: 10/16/01

Claimant /Victim JOHN HOLMES

BY: (Atty) \_\_\_\_\_

Address: 3000 Continental Colony E-78 Atlanta, Georgia 30331

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 84.37 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 8/24/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 8/17/01 Place: Auburn Avenue and Courtland Avenue

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when drove his vehicle over an unsecured construction plate in the road. An investigation determined that the road work was performed by a private contractor. Therefore, the private contractor is the responsible entity and not the City. The claimant has been advised to pursue his claim with the private contractor.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written X Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

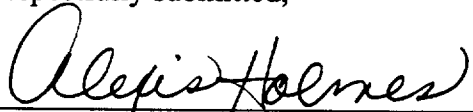
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

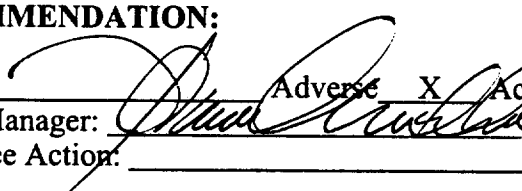
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10-17-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RECEIVED AUG 24 2001

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 8-23-2001

ENTERED - 9-4-01 - SB  
01L0552 - ALEXIS HOLMES

Holmes  
08/27/01

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 84.37 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 8-17-2001 2. Time of Incident: 3:30 3. Police called: I did talk with the police  
(month/day/year) Yes No

4. Location of incident (including street address): Auburn Ave.

5. Name of your insurance company: Southern General Policy No. 1802109

6. State what and how incident occurred: At Auburn Ave there a uncovered man hole about 25 feet from Courtland St. heading East on Auburn. I ran over the hole and cut my tire.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Ford Focus 2001 757-YFQ John Holmes  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: William Holmes 404 349-9979  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

John Holmes  
Signature of Claimant

John Holmes  
(Print Claimant's Name)

3000 Continental Colony E-78  
(Address)

Atlanta, GA 30331  
(City, State and Zip Code)

404 349-9979 404-344-9092  
(Work Number) (Home Number)

01- R-1767